



U.S. Immigration  
and Customs  
Enforcement

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# News Release

## **REO SPINELINE PRESIDENT NAMED IN 21 COUNT INDICTMENT**

*Conviction Could Result in Nearly \$3Million Forfeiture and 5-years Prison*

**CLARKSBURG, WEST VIRGINIA** — A criminal investigation led by the Department of Homeland Security's U.S. Immigration and Customs Enforcement resulted in the president of REO SpineLine, Thomas Bradley Harris, 51, being charged in a 21-count indictment returned here yesterday by a Federal Grand Jury for the illegal importation of surgically implantable medical devices.

Count One of the Indictment alleges that HARRIS, who is also the primary owner of REO SpineLine, LLC based in Morgantown, West Virginia, conspired to defraud the United States from January 2002 through November 2002, in the Northern District of West Virginia. The Indictment alleges that the objects of the conspiracy were to:

- Obtain monies by importing, distributing in interstate commerce, and selling to hospitals and physicians misbranded medical devices, that is surgically implantable spinal fixation devices. The Federal Drug and Cosmetic Act states that a medical device shall be deemed to be misbranded if a notice or other information respecting it was not provided as required by law.
- Circumvent United States Customs laws by importing implanting spinal fixation devices into the United States contrary to law.
- Counts Two through 11 of the Indictment allege that HARRIS imported and caused to be imported implantable spinal fixation devices and components thereof valued at approximately \$49,338.00 from Montreal, Canada, into the Northern District of West Virginia, which were misbranded because HARRIS had not provided the requisite notice for pre-market clearance of such devices.
- Counts 12 through 21 of the Indictment allege that HARRIS imported and caused to be imported implantable spinal fixation devices and components thereof valued at approximately \$49,338.00 from Montreal, Canada, into the Northern District of West Virginia, which were contrary to law in that they were misbranded and were introduced into interstate commerce.

The Indictment also includes a forfeiture count wherein the United States seeks to forfeit from HARRIS any and all property constituting or derived from violations alleged in the Indictment. This includes, but is not limited to, \$2,925,685 and all interest and other traceable proceeds.

If convicted, HARRIS faces a maximum exposure of five years imprisonment and a fine of \$250,000 each on Counts One and 12 through 21 of the Indictment; and a maximum exposure of three years imprisonment and a fine of \$250,000 each on counts two through 11 of the Indictment.

The case will be prosecuted by Assistant United States Attorney Sherry L. Muncy.

The U.S. Food and Drug Administration also participated in the investigation.

It should be noted that the charges contained in the Indictment are merely accusations and not evidence of guilt, and that each defendant is presumed innocent until and unless proven guilty.

# ICE #

*U.S. Immigration and Customs Enforcement was established in March 2003 as the largest investigative arm of the Department of Homeland Security. ICE is comprised of four integrated divisions that form a 21st century law enforcement agency with broad responsibilities for a number of key homeland security priorities.*